

**PLANNING COMMISSION MEETING  
26 SEPTEMBER 2006  
MINUTES**

CALL TO ORDER – Chairman Rosenberger called the meeting to order at 7:00 pm.  
INVOCATION AND PLEDGE OF ALLEGIANCE – Chairman Rosenberger led the invocation followed by the Pledge of Allegiance.

Members Present:

Mr. Ray Rosenberger, Chairman  
Mrs. Ellen Richardson  
Mrs. Jane Wolffe  
Mr. Tom Derrickson  
Mr. Ray Daisey  
Mr. Bob Behr  
Mrs. Mollie Cherrix

Mr. Kenny Lewis, Staff Support  
Mr. Robert G. Ritter Jr., Town Manager

AGENDA ADOPTION

Mrs. Richardson motioned, seconded by Mr. Behr, to adopt the agenda. The motion was unanimously approved.

PUBLIC COMMENTS

Mr. Richard Conklin expressed his concern over an issue he had with putting a roof over his boat lift. He asked that the Commission consider including these types of roofs when discussing amendments to Sec. 2.96.

1. MINUTES OF AUGUST 8, 2006

Mrs. Richardson made a motion, seconded by Mrs. Wolffe, to approve the minutes. The motion was unanimously approved.

2. PROPOSED FENCE ORDINANCE CHANGES; PUBLIC HEARING

Mrs. Richardson motioned, seconded by Mr. Derrickson, to approve the changes as written and send to Council.

**Add new Sections to R-3 District; 3.7.16 (4), Commercial C-1 District; 4.1.27 (4) and Commercial District C-2; 4.4.39 (4)**

*Construction containment fences are permitted provided that such fence does not exceed 6' in height and remain 30% open when viewed perpendicular to the fence line. Such*

*fence shall not be placed closer than 15' from the front lot line or interfere with the visibility site triangle if adjoining a public or private right-of-way.*

*Such containment fence must be removed upon the issuance of the certificate of occupancy or determined by the Zoning Administrator if more than four units.*

### 3. REVIEW OF SUNSET BAY SITE PLAN AMENDMENT

Mr. Steve Fuller, engineer for Fuller Hall & Associates, addressed the Commission on the plan to construct sixty four marina slips on Sunset Bay South. He advised that Mr. Obrecht has purchased additional land to accommodate these slips.

Mr. Obrecht, part owner of the Sunset Bay project, stated that all the necessary permits from VMRC and the Corp of Engineers are in hand. The bulk heading is also in place. He stated they feel all the guidelines have been met and hope the town will grant them the right to proceed.

Mrs. Cherrix motioned, seconded by Mr. Daisey, to postpone further discussion until the next meeting to review parking lot standards and fire hydrants.

### 4. CORNER LOTS; SIDE YARD SETBACK

**Sections 3.6.5, 3.9.5, 4.3.5, and 4.6.5 – Corner Lots, item (2) rewording as:**

***The side yard setback abutting a street, road, right-of-way, or easement shall be 15 feet for both main and accessory structures.***

Mr. Derrickson motioned, seconded by Mrs. Richardson, to accept as written and send it to public hearing at the October meeting. The motion was unanimously approved.

Mrs. Wolffe motioned, seconded by Mr. Behr, to amend Mr. Derrickson's motion to include a 25 foot setback on waterfront property.

Ayes – Rosenberger, Behr, Wolffe, Daisey

Nays – Richardson, Cherrix, Derrickson

The motion carried.

### 5. AMENDMENT TO 2.96; MAIN USE DEFINITION

*A dock, including a boat lift(s), used in conjunction with the main use of a lot or structure, which is in compliance with all applicable County, State, and Federal regulatory and statutory provisions and permitted by all required agencies, is a secondary, incidental or accessory use or structure.*

*A gazebo-type structure erected on a lot, the specific location of which is not subject to the jurisdiction of the Accomack County Wetlands Board, the Virginia Marine*

*Resource Commission, and/or the United States Army Corps of Engineers, and used in conjunction with the main use of a lot or permitted building is a secondary, incidental or accessory use or structure.*

Mrs. Wolffe motioned, seconded by Mrs. Cherrix, to postpone until the next meeting. The motion was unanimously approved.

## **6. CONDITIONAL USE**

### **Section 3.2**

Such other temporary or permanent use of land, buildings, or structures as may be permitted *by right or expressly enumerated special exception in any other (residential) district*, subject to the other applicable requirements of the Ordinance, pursuant to a special use permit by the Board of Zoning Appeals in accordance with Article VIII, Section 8.2.6 of this Ordinance.

*Any temporary or permanent use of land, buildings, structures not permitted by right or by special exception by the Board of Zoning Appeals within the District shall only be permitted pursuant to a conditional use permit issued by the Town Council.*

### **Section 3.5.2**

Such other temporary or permanent use of land, buildings, or structures as may be permitted *by right or expressly enumerated special exception in any other (residential) district*, subject to the other applicable requirements of the Ordinance, pursuant to a special use permit by the Board of Zoning Appeals in accordance with Article VIII, Section 8.2.6 of this Ordinance.

*Any temporary or permanent use of land, buildings, structures not permitted by right or by special exception by the Board of Zoning Appeals within the District shall only be permitted pursuant to a conditional use permit issued by the Town Council.*

### **Section 3.8.10**

Such other temporary or permanent use of land, buildings, or structures as may be permitted *by right or expressly enumerated special exception in any other (residential) district*, subject to the other applicable requirements of the Ordinance, pursuant to a special use permit by the Board of Zoning Appeals in accordance with Article VIII, Section 8.2.6 of this Ordinance.

*Any temporary or permanent use of land, buildings, structures not permitted by right or by special exception by the Board of Zoning Appeals within the District shall only be permitted pursuant to a conditional use permit issued by the Town Council.*

### **Section 3.11.5**

Such other temporary or permanent use of land, buildings, or structures as may be permitted *by right or expressly enumerated special exception in any other district*, subject to the other applicable requirements of the Ordinance, pursuant to a special use permit by

the Board of Zoning Appeals in accordance with Article VIII, Section 8.2.6 of this Ordinance.

*Any temporary or permanent use of land, buildings, structures not permitted by right or by special exception by the Board of Zoning Appeals within the District shall only be permitted pursuant to a conditional use permit issued by the Town Council.*

### **Section 4.2.3**

Such other temporary or permanent use of land, buildings, or structures as may be permitted *by right or expressly enumerated special exception in any other (commercial) district*, subject to the other applicable requirements of the Ordinance, pursuant to a special use permit by the Board of Zoning Appeals in accordance with Article VIII, Section 8.2.6 of this Ordinance.

*Any temporary or permanent use of land, buildings, structures not permitted by right or by special exception by the Board of Zoning Appeals within the District shall only be permitted pursuant to a conditional use permit issued by the Town Council.*

### **Section 4.5.3**

Such other temporary or permanent use of land, buildings, or structures as may be permitted *by right or expressly enumerated special exception in any other (commercial) district*, subject to the other applicable requirements of the Ordinance, pursuant to a special use permit by the Board of Zoning Appeals in accordance with Article VIII, Section 8.2.6 of this Ordinance.

*Any temporary or permanent use of land, buildings, structures not permitted by right or by special exception by the Board of Zoning Appeals within the District shall only be permitted pursuant to a conditional use permit issued by the Town Council.*

Mr. Derrickson motioned, seconded by Mrs. Richardson, to send to the public hearing at the October meeting.

Ayes - Rosenberger, Derrickson, Behr, Daisey, Richardson, Cherrix

Nays – Wolffe

The motion carried.

## **7. BY-LAWS REVIEW**

Chairman Rosenberger asked that the Commission members please take this back with them and see if they have any comments, deletions etc. It will be discussed further at the October meeting.

## **8. REVIEW OF SIGN ORDINANCE**

Because of the time a motion was made by Mrs. Wolffe to postpone until the October 5<sup>th</sup> meeting. There was no second motion.

## 9. ELECTION OF OFFICERS

Mrs. Wolffe motioned, seconded by Mr. Daisey to re-appoint Mr. Rosenberger as Chairman. The motion was unanimously approved.

Chairman Rosenberger motioned, seconded by Mr. Behr, to re-appoint Mrs. Richardson as Vice Chairman. The motion was unanimously approved.

## ADJOURNMENT

Mrs. Richardson motioned, seconded by Mr. Behr, to adjourn the meeting.

---

Ray Rosenberger, Chairman